

---

---

**Z-2551**  
**CHARLES R. VAUGHAN**  
**R1 to GB**

**STAFF REPORT**  
**November 14, 2013**

---

---

**Staff Report**  
**November 14, 2013**

---

---

**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, represented by attorney Joseph Bumbleburg, is requesting rezoning of the four lots (approximately 7 acres) in Painted Hills Subdivision, located on the north side of Veterans Memorial Parkway between Old Romney Road and Old US 231, Wea 7 (NE) 22-4. No proposed use is provided.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

The Painted Hills Subdivision was approved in 2002 under S-3227. Petitioner's site is zoned R1, Single-family residential. Land to the east on the corner of old US 231 and Veterans Memorial Parkway was rezoned from R1 to GB in November 2001 (Z-2024). A 4.7 acre tract was rezoned to OR, Office Research immediately across the street from the site in question in November 1999 (Z-1880). In September of 2012, the approval of Z-2499 (Southern Winds Apartments, LLC) brought R3 zoning to a 13.45 acre corner of Veterans Memorial Parkway and US 231, over staff's planning recommendation.

**AREA LAND USE PATTERNS:**

The site in question is currently undeveloped. Houses line the west side of old US 231, also both sides of Old Romney Road, located to the west. Wrede Rocks lies immediately to the east.

**TRAFFIC AND TRANSPORTATION:**

Access to the property is off of a driveway onto Veterans Memorial Parkway. No right-of-way dedication is necessary as the 60' half-width requirement is met. A "no vehicular access" statement has already been established along the right-of-way except for the driveway entrance.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

Public sanitary sewer remains out of reach and unavailable while public water lies approximately 650' from the site. If rezoned and developed, a Type C bufferyard would need to be installed along the property's boundaries with R1-zoned land. As the subdivision was platted for home sites with individual septic systems on individual lots, the Health Department could not definitively answer if a commercial septic system could be approved.

**FLOODPLAIN CONSIDERATIONS:**

The DFIRM maps indicated the presence of floodplain on the southwest corner of the rezone area. At staff's request a floodplain certification has been submitted and approved and the floodplain area has been removed from the rezone area's legal description. Per UZO Section 2-27-17-d, a Letter of Map Amendment (LOMA) shall be required to formally establish this new FP zone.

**STAFF COMMENTS:**

The *Comprehensive Plan* is very clear when it comes to supporting commercial zoning off the water and sewer grid: Don't. There is plenty of commercially zoned, developable land served by public water and sewer in our community. The development vision for this section of Veterans Memorial Parkway has always been tightly-focused commercial nodes located around major intersections, not an unbroken strip of automobile-centric commercial development stretching from US 231 to US 52. This petition does not serve the former, but rather exacerbates the later.

Staff has been very consistent over the years promoting this vision of development for this section of Veterans Memorial Parkway. Concerning the Z-1880 OR rezone we recommended denial primarily because “....Rezoning this tract of land will inevitably trigger more commercial rezones.” In our staff report recommendation of denial for the Z-2024 GB rezone we further elaborated by only supporting in this vicinity “....two commercial nodes: at 18th and 350S and the intersection with New US 231...” with our reasoning being that in allowing GB we will “...inevitably trigger more commercial rezones to the north and possibly to the west.”

With no certainty of commercial septic approval and with no given purpose for this rezone – located “to the west” of the Z-2024 rezone area – staff is left to conclude that this rezone petition is for merely speculative reasons. If true, such speculative commercial zoning only makes sense when a community’s comprehensive plan and public utilities can support the change. This petition is supported by neither.

**STAFF RECOMMENDATION:**

Denial